101ST CONGRESS
2d Session

SENATE

TREATY DOC.
101-13

CONSULAR CONVENTION WITH THE DEMOCRATIC AND POPULAR REPUBLIC OF ALGERIA

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

THE CONSULAR CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND THE DEMOCRATIC AND POPULAR REPUBLIC OF ALGERIA, SIGNED AT WASHINGTON ON JANUARY 12, 1989

FEBRUARY 27, 1990.—Convention was read the first time, and together with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed for the use of the Senate

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U.S. GOVERNMENT PRINTING OFFICE

39-118 WASHINGTON : 1990

S385-6

LETTER OF TRANSMITTAL

THE WHITE HOUSE, *February 27, 1990.*

To the Senate of the United States:

I am transmitting, for the Senate's advice and consent to ratification, the Consular Convention between the United States of America and the Democratic and Popular Republic of Algeria signed at Washington on January 12, 1989. I am also transmitting, for the information of the Senate, the report of the Department of State with respect to the convention.

The signing of this convention is a significant step in the process of enhancing and broadening the relationship between the United States and Algeria. There currently does not exist a bilateral agreement on consular relations between the two countries. The convention sets forth clear obligations with respect to matters such as notification of consular officers of the arrest and detention of nationals of their country and protection of the rights and interests of nationals of their country.

The people of the United States and Algeria have a tradition of friendship and cooperation. I welcome the opportunity through this consular convention to promote the good relations between the two countries. I recommend the Senate give early and favorable consideration to the convention and give its advice and consent to ratification.

GEORGE BUSH.

LETTER OF SUBMITTAL

DEPARTMENT OF STATE,
Washington, February 7, 1990.

The PRESIDENT,
The White House.

THE PRESIDENT: I have the honor to submit to you, with a view of its transmission to the Senate for advice and consent to ratification, the Consular Convention between the United States of America and the Democratic and Popular Republic of Algeria signed at Washington on January 12, 1989.

This Convention supplements the provisions of the 1963 Vienna Convention on Consular Relations. The Convention will facilitate the ability of American and Algerian consuls to assist their fellow nationals in many ways and should increase travel and commerce between the two countries.

The specific consular functions and services which will be permitted on a reciprocal basis include the issuance of passports and visas, performance of notarial services and the representation of the interests of nationals in estate matters. More significantly, the Convention states that consuls of the country whose nationals are arrested, detained or whose personal freedom is limited in any way will be notified without delay. Moreover, consuls shall be permitted to visit such nationals and to arrange for their legal representation.

The Convention's provisions follow the pattern of bilateral consular conventions in force with a number of countries. Articles 2–6 provide for the establishment of consular posts, appointment of officers and employees for such posts, termination of their assignments, and other conditions relating to the operation of a consular post.

Articles 7–29 provide various privileges and immunities for consular officers and consular employees including, in Article 9, the inviolability of consular premises. Article 16 states that consular officers shall not be liable to arrest or detention pending trial except in the case of a grave crime. Under Article 17, consular officers and consular employees are entitled to immunity, with certain specified exceptions, from the judicial and administrative jurisdiction of the receiving state with respect to actions taken in the performance of consular functions. These articles reflect prevailing international practices.

Articles 30–41 relate to the performance of consular functions which include, in addition to the functions discussed above, representing the interests of nationals with respect to vessels and aircraft.

The Consular Convention will further develop and strengthen our relations with Algeria and benefit the interests of nationals of both countries. I recommend that the Convention be transmitted to the Senate for its advice and consent to ratification.

Respectfully submitted,

LAWRENCE EAGLEBURGER.

CONSULAR CONVENTION BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE DEMOCRATIC AND POPULAR REPUBLIC OF ALGERIA

The Government of the United States of America and The Government of the Democratic and Popular Republic of Algeria,

Inspired by the friendly relations that exist between the two countries,

Desiring to develop and strengthen the cooperation that exists between the United States of America and Algeria,

Desirous of clarifying and improving the conditions of the exercise of consular protection with respect to nationals of each of the two countries,

Affirming that the provisions of the Vienna Convention on Consular Relations of April 24, 1963, shall continue to govern matters that are not specifically covered by the provisions of this Convention,

Have agreed as follows:

PART I—DEFINITIONS

ARTICLE 1

For the purposes of this Convention:

1. "sending State" means the Contracting Party which appoints the consular officers as defined below;
2. "receiving State" means the Contracting Party in whose territory the consular officers perform their functions;
3. "national" means nationals of either of the two States and, in the proper context, legal entities duly established under the laws of that State with their headquarters in the territory of either of the two States;
4. "consular post" means any consulate-general, consulate, or vice-consulate;
5. "consular district" means the territory assigned to a consular post for the performance of consular functions;
6. "head of consular post" means the person charged with the duty of acting in that capacity;
7. "consular officer" means any person, including the head of a consular post, charged with the performance of consular functions in the capacity of Consul General, Consul, Deputy Consul or Vice Consul. The consular officer must have the nationality of the sending State and may not possess that of the receiving State. He must not be a permanent resident of the receiving State and may not conduct any professional activity other than his consular functions;
8. "consular employee" means any person employed in the administrative or technical service of a consular post;

9. "member of the service staff" means any person employed in the domestic service of a consular post;

10. "member of the consular post" means consular officers, consular employees, and members of the service staff;

11. "member of the private staff" means any person employed exclusively in the private service of a member of a consular post;

12. "consular premises" means the buildings or parts of buildings and the land ancillary thereto, irrespective of ownership, used exclusively for the purposes of the consular post;

13. "consular archives" includes all the papers, documents, correspondence, books, films, tapes, and registers of the consular post, togehter with the ciphers and codes, the card-indexes, and the articles of furniture intended for their protection and safekeeping;

14. "official correspondence of the consular post" means any correspondence related to the consular post and its functions;

15. "vessel of the sending State" means any river- or ocean-going vessel registered under the laws of the sending State, including State-owned vessels, but excluding warships;

16. "aircraft of the sending State" means any aircraft registered in that State and bearing its distinguishing signs, including State-owned aircraft, but excluding military aircraft.

PART II—ESTABLISHMENT AND CONDUCT OF CONSULAR RELATIONS

ARTICLE 2

1. A consular post may be established in the territory of the receiving State only with the consent of that State.

2. The seat of the consular post, its classification, and the consular district shall be established by the sending State, and shall be subject to the approval of the receiving State.

3. Subsequent changes in the seat of the consular post may be made by the sending State only with the consent of the receiving State.

4. The express and prior consent of the receiving State shall also be required for opening an office that is part of an existing consulate and separate from the seat of the consular post.

ARTICLE 3

1. (a)(i) Heads of consular post shall be admitted and recognized by the government of the receiving State, according to the rules and formalities established in that State.

(ii) The exequatur or other authorization of the receiving State indicating their consular district shall be delivered to them without delay and free of charge.

(iii) Pending delivery of the exequatur or other authorization of the receiving State the head of consular post may be admitted on a provisional basis to the performance of his functions and to the benefit of the provisions of this Convention.

(iv) As soon as the head of the consular post is admitted even provisionally to the performance of his functions, the receiving State shall immediately notify the competent authorities of the

consular district. It shall also ensure that the necessary measures are taken to enable the head of consular post to carry out the duties of his office and to have the benefit of the provisions of the present Convention.

(b) Consular officers who are not heads of post may be admitted by the receiving State to the performance of their functions on the basis of their appointment, subject to notification.

2. The exequatur or other authorization of the receiving State may only be denied or withdrawn for serious reasons. The same applies to refusals of admission or requests for the recall of consular officers who are not heads of post.

ARTICLE 4

1. In the receiving State, the competent authority shall be notified promptly of:

(a) The appointment of members of a consular post, their arrival after their appointment to the consular post, their final departure or the termination of their functions, together with any other changes affecting their status that may occur during their service at the consular post.

(b) The arrival and final departure of a person belonging to the family of a member of a consular post living in his home and, if appropriate, the fact that a person becomes or ceases to be a family member;

(c) The arrival and final departure of members of the private staff and, where appropriate, the termination of their service in this capacity;

(d) The engagement and discharge of persons resident in the receiving State as consular employees and members of the service staff or as members of the private staff.

2. Where possible, prior notification of arrivals and final departures shall also be given.

ARTICLE 5

The sending State shall determine the number of members of the consular post, taking into account the importance of this post and its needs in the normal conduct of its activities. Nevertheless, the receiving State may require that the size of the consular post be kept within limits considered by it to be reasonable, having regard to the prevailing conditions in the consular district and to the needs of the consular post.

ARTICLE 6

1. Members of the diplomatic staff of the diplomatic mission of the sending State in the receiving State, consular officers, and consular employees may temporarily perform in an acting capacity the functions of a head of consular post who is deceased or incapacitated by illness or any other reason.

Nevertheless, the receiving State may require that the appointment of a consular employee as acting head be submitted to it for approval.

2. Subject to notification of the competent authorities of the receiving State, acting heads of a consular post may perform their

functions and benefit from the provisions of this Convention while waiting for the established official to resume his functions or for a new head of consular post to be appointed.

3. When a member of the diplomatic staff is appointed to an acting capacity by the sending State in the conditions set forth in paragraph 1 of this Article, he shall continue to enjoy diplomatic privileges and immunitie.

Part III—Immunities and Privileges

ARTICLE 7

1. The sending State shall have the right on the basis of reciprocity to acquire and own, in the territory of the receiving State, in conformity with the laws and regulations thereof, any building necessary for the establishment of a consular post or the official residence of a consular officer.

2. The sending State shall have the right on the basis of reciprocity to construct buildings and appurtenances necessary for the aforementioned purposes on the land belonging to it, subject to compliance with building and city-planning laws and regulations applicable to the area in which such land is situated.

3. Consular premises and the residence of a consular officer of which the sending State or any person acting on its behalf is the owner or lessee shall be exempt from all national, regional, or municipal dues and taxes whatsoever, other than such as represent payment for specific services rendered.

4. The exemption from taxation referred to in the preceding paragraph shall not apply to such dues and taxes if, under the law of the receiving State, they are payable by the person who contracted with the sending State or with the person acting on its behalf.

ARTICLE 8

1. The consular premises, their furnishings, the property of the consular post, and its means of transport shall be immune from any form of requisitioning.

2. These premises shall not be immune from expropriation for purposes of national defense of public utility, in conformity with the laws of the receiving State. If expropriation is necessary for such purposes, and the sending State is the owner of these premises, prompt, adequate, and effective compensation shall be paid. Steps shall be taken by the receiving State to facilitate the reinstallment of the sending State that owns or rents the premises in its post and in any case to avoid interference with the performance of consular functions.

ARTICLE 9

1. The consular premises and the residence of the head of consular post shall be inviolable.

2. The authorities of the receiving State shall not enter the premises except with the consent of the head of consular post, a person designated by him, or the chief of the diplomatic mission of

the sending State. In any case, consent shall be presumed in case of fire or other disaster requiring immediate protective measures.

3. Subject to the provisions of paragraph 2 of this Article, the receiving State is under a special duty to take all appropriate steps to protect the consular premises and, when circumstances so require, the residence of consular officers against any intrusion or damage and to prevent any disturbance of the peace of the consular post or impairment of its dignity.

ARTICLE 10

1. Consular officers who are heads of post may display on the outer enclosure of the consular building and on their residences the coat-of-arms of the sending State and an appropriate inscription in the national language designating the consular post.

2. They may also fly the flag of the sending State on the consular building and on the residence of the head of consular post.

3. Heads of consular post may also fly the flag of the sending State on means of transport for their exclusive use in the performance of their functions.

4. Each of the Contracting Parties shall ensure that the consular flags and coats-of-arms are respected and protected.

ARTICLE II

In conformity with recognized principles of international law, archives and all other documents and registers shall be inviolable at all times and wherever they may be, and the authorities of the receiving State may not examine them under any pretext.

ARTICLE 12

Subject to the laws and regulations of the receiving State concerning areas to which access is forbidden or regulated for reasons of national security and upon simple notification to the competent authority, members of the consular post are authorized to travel freely within the limits of the consular district in the performance of their functions.

ARTICLE 13

1. (a) The receiving State shall grant and protect freedom of communication on the part of the consular post for all official purposes. In communicating with the Government, the diplomatic missions and other consular posts, wherever situated, of the sending State may employ all appropriate means, including diplomatic or consular couriers, diplomatic or consular bags, and messages in code or cipher.

(b) However, the consular post may install and use a wireless transmitter only with the consent of the receiving State.

2. The official correspondence of the consular post shall be inviolable. Official correspondence means all correspondence relating to the consular post and its functions.

3. The consular bag shall not be opened or detained. Nevertheless, if the competent authorities of the receiving State have serious reason to believe that the bag contains something other than the correspondence, documents, and articles referred to in para-

graph 4 of this Article, they may request that the bag be opened in their presence by an authorized representative of the sending State. If the authorities of the sending State refuse this request, the bag shall be returned to its place of origin.

4. The packages constituting the consular bag shall bear visible external marks of their character and may contain only official correspondence and documents or articles intended exclusively for official use.

5. The consular courier shall be provided with an official document attesting to his status and indicating the number of packages constituting the consular bag. Unless the receiving State consents, he shall not be a national of the receiving State or, unless he is a national of the sending State, a permanent resident of the receiving State. This courier shall be protected by the receiving State in the performance of his functions. He shall enjoy personal inviolability and shall not be liable to any form of arrest or detention.

6. The sending State, its diplomatic missions, and its consular posts may designate consular couriers *ad hoc*. In such cases, the provisions of paragraph 5 of this Article shall also apply, except that the immunities therein mentioned shall cease to apply when such a courier has delivered to the consignee the consular bag in his charge.

7. The consular bag may be entrusted to the captain of a ship or commercial aircraft scheduled to land at an authorized port of entry. He shall be provided with an official document indicating the number of packages constituting the bag, but he shall not be considered to be a consular courier. By arrangement with the appropriate local authorities, the consular post may send one of its members to take possession of the bag directly and freely from the captain of the ship or of the aircraft.

ARTICLE 14

1. The consular post may levy in the territory of the receiving State the fees and taxes provided for consular activities under the laws and regulations of the sending State.

2. Funds acquired as the fees and taxes referred to in paragraph 1 of this Article and the income derived therefrom shall be exempt from any dues and taxes in the receiving State.

ARTICLE 15

The receiving State shall treat consular officers with due respect and shall take all appropriate steps to prevent any attack on their person, freedom, or dignity.

ARTICLE 16

1. Consular officers shall not be liable to arrest or detention pending trial, except in the case of a grave crime and pursuant to a decision by the competent judicial authority.

2. With the exception of the case referred to in paragraph 1 of this Article, consular officers may not be incarcerated or subjected to any form of limitation of their personal freedom except in execution of a final judicial decision.

3. When criminal proceedings are instituted against a consular officer, he shall be required to appear before the competent authorities. However, the proceedings shall be conducted with the regard due to the consular officer by virtue of his official position and, with the exception of the case referred to in paragraph 1 of this Article, so as to interfere as little as possible with the performance of consular functions. When, in the circumstances referred to in paragraph 1 of this Article, it becomes necessary to place a consular officer under detention pending trial, the proceedings against him shall be initiated as soon as possible.

4. In the case of the arrest or detention pending trial of a consular officer, the receiving State shall immediately inform his diplomatic mission or consular post.

ARTICLE 17

1. Consular officers and consular employees shall not be amenable to the jurisdiction of the judicial or administrative authorities of the receiving State in respect of acts performed in the exercise of consular functions.

2. The provisions of paragraph 1 of this Article shall not, however, apply in respect of a civil action either:

(a) arising out of a contract concluded by a consular officer or a consular employee in which he did not contract expressly or implicitly as an agent of the sending States; or

(b) brought by a third party for damage arising from an accident in the receiving State caused by an automobile, vessel, or aircraft.

ARTICLE 18

1. Members of a consular post may be called upon to give evidence in judicial or administrative proceedings. A consular employee or a member of the service staff shall not, except in the cases mentioned in paragraph 3 of this Article, decline to give evidence. If a consular officer should decline to do so, no coercive measure or penalty may be applied to him.

2. The authority requiring the evidence of a consular officer shall avoid interference with the performance of his functions. It may, when possible, take such evidence at his residence or at the consular post or accept a statement from him in writing.

3. Members of a consular post are under no obligation to give evidence concerning matters connected with the performance of their functions or to produce official correspondence and documents relating thereto. They are also entitled to decline to give evidence as expert witnesses with regard to the law of the sending State.

ARTICLE 19

1. The sending State may waive the privileges and immunities provided for in this Convention on behalf of a member of the consular post.

2. The waiver shall in all cases be express and shall be communicated to the receiving State in writing.

3. The initiation of proceedings by a consular officer or consular employee enjoying immunity from jurisdiction under Article 17

shall preclude him from invoking immunity from jurisdiction in respect of any counter-claim directly connected with the principal claim.

4. Waiver of immunity from jurisdiction in respect of civil or administrative proceedings shall not be held to imply waiver of immunity in respect of the execution of the judgment, for which a separate waiver shall be necessary.

ARTICLE 20

1. Consular officers and consular employees and members of their families forming part of their households shall be exempt from all obligations under the laws and regulations of the receiving State in regard to the registration of aliens and residence permits.

2. The provisions of paragraph 1 of this Article shall not, however, apply to any consular employee who is not a permanent employee of the sending State or who carries on any private gainful occupation in the receiving State or to any member of the family of any such employee.

ARTICLE 21

1. Members of the consular post shall with respect to services rendered for the sending State be exempt from the obligations imposed by the labor laws and regulations of the receiving State with respect to work permits.

2. Members of the private staff of consular officers and consular employees, if they are not carrying on any gainful employment in the receiving State, shall be exempt from the obligations referred to in paragraph 1 of this Article.

ARTICLE 22

1. Subject to the provisions of paragraph 3 of this Article, members of a consular post shall with respect to services rendered for the sending State and members of their families forming part of their households be exempt from social security provisions which may be in force in the receiving State.

2. The exemption provided for in paragraph 1 of this Article shall also apply to members of the private staff who are in the sole employ of members of consular posts, on condition:

(a) that they are not nationals of or permanently resident in the receiving State; and

(b) that they are covered by the social security provisions which may be in force in the sending State or a third State.

3. Members of a consular post who employ persons to which the exemption provided for in paragraph 2 of this Article does not apply shall observe the obligations which the social security provisions of the receiving State impose upon employers.

4. The exemption provided for in paragraphs 1 and 2 of this Article shall not preclude voluntary participation in the social security system of the receiving State provided that such participation is permitted by the State.

ARTICLE 23

1. Consular officers and consular employees, together with members of their families forming part of their households, shall be exempt from all dues and taxes, personal or real, national, regional, or municipal, except:

(a) indirect taxes of a kind which are normally incorporated in the price of goods or services;

(b) dues and taxes on private immovable property situated in the territory of the receiving State;

(c) estate, succession, or inheritance duties, and duties on transfers, levied by the receiving State, subject to the provisions of paragraph 2 of Article 25;

(d) charges levied for specific services rendered;

(e) dues and taxes on private income, including capital gains, having its source in the receiving State, and capital taxes on investments made in commercial and financial undertakings in the receiving State;

(f) registration, court or record fees, mortgage dues, and stamp duties.

2. Members of the service staff shall be exempt from dues and taxes on the wages which they receive from the sending State for their services.

3. Members of the consular post who employ persons whose salaries or wages are not exempt from income tax in the receiving State shall observe the obligations which the laws and regulations of that State impose upon employers concerning the levying of income tax.

ARTICLE 24

1. The receiving State may, in accordance with such laws and regulations as it may adopt, permit entry of and grant exemption from all customs duties, taxes, and related charges other than charges for storage, cartage, and similar services, on:

(a) articles for the official use of the consular post;

(b) articles for the personal use of the consular officer and members of his family forming part of his household, including articles intended for his establishment. The articles necessary for consumption shall not exceed the quantities necessary for direct utilization by the persons concerned.

2. Consular employees shall enjoy the privileges and exemptions specified in paragraph 1(b) of this Article in respect of articles imported at the time of first installation.

3. Personal baggage accompanying consular officers and members of their families forming part of their households shall be exempt from inspection. It may be inspected only if there is serious reason to believe that it contains articles other than those referred to in paragraph 1(b) of this Article, or articles the import or export of which is prohibited by the quarantine laws and regulations. Such inspection may be carried out in the presence of the consular officer or member of his family concerned.

ARTICLE 25

In the event of the death of a member of the consular post or of a member of his family forming part of his household, the receiving State shall:

1. Permit the export of the movable property of the deceased, with the exception of movable property acquired in the receiving State the export of which is prohibited at the time of his death;

2. Exempt such property from national, regional, or communal estate, succession, or inheritance duties and duties on transfers, if the presence of the movable property was due solely to the presence there of the deceased as a member of the consular post or as a member of the family of a member of the consular post.

ARTICLE 26

Consular officers shall be entitled in their capacity as official agents of the sending State to appropriate protection and special consideration on the part of all officials of the receiving State.

ARTICLE 27

1. Without prejudice to their privileges and immunities, all persons enjoying such privileges and immunities have the duty to respect the laws and regulations of the receiving State, particularly traffic regulations.

2. They also have the duty not to interfere in the internal affairs of the receiving State.

ARTICLE 28

Members of the consular post shall comply with any requirement imposed by the laws and regulations of the receiving State in respect of civil liability insurance for the use of any means of transport.

ARTICLE 29

1. Without prejudice to the provisions of Article 18(3) and with the exception of consular officers, other members of the consular post who are nationals of the receiving State or of a third State or permanent residents of the receiving State or of a third State or permanent residents of the receiving State or who are carrying on any private gainful occupation and members of their families shall only enjoy the facilities, privileges, and immunities provided for in this Convention insofar as recognized by the receiving State.

2. Members of the family of a member of the consular post who are themselves nationals of the receiving State or of a third State or permanent residents of the receiving State shall also only enjoy the facilities, privileges, and immunities provided for in this Convention insofar as recognized by the receiving State.

3. The receiving State, however, shall exercise its jurisdiction over these persons so as not to interfere unduly with the performance of the functions of the consular post.

PART IV—CONSULAR FUNCTIONS

ARTICLE 30

Consular officers shall be empowered to:

1. Protect in the receiving State the interests of the sending State and the rights and interests of its nationals and foster the development of commercial, economic, tourist, social, scientific, cultural, and technical relations between the Contracting Parties;

2. Assist nationals of the sending State in their relations with the authorities of the receiving State;

3. Subject to the practices and procedures obtaining in the receiving State, arrange appropriate representation for nationals of the sending State before the courts and other authorities of the receiving State and ensure the adoption of provisional measures for the preservation of the rights and interests of those nationals, where, because of absence or any other reason, such nationals are unable at the proper time to assume the defense of their rights and interests;

4. Ascertain by all lawful means conditions and developments in commercial, economic, tourist, social, scientific, cultural, and technical life in the receiving State and report thereon to the government of the sending State and furnish the information to the persons concerned.

ARTICLE 31

1. The provisions of this Convention shall also apply, insofar as the context permits, to the exercise of consular functions by a diplomatic mission.

2. Notification of the names of members of a diplomatic mission who are attached to the consular section or otherwise charged to perform consular functions at the mission shall be given to the competent authorities of the receiving State.

3. In the performance of their functions, consular officers may turn to:

(a) the appropriate local authorities of their consular district;

(b) the appropriate central authorities of the receiving State if and insofar as it is permitted by the laws, regulations, and usages of the receiving State or by international agreements on this question.

4. The privileges and immunities of members of a diplomatic mission mentioned in paragraph 2 of this Article shall continue to be determined by the rules of international law concerning diplomatic relations.

ARTICLE 32

Consular officers shall be entitled in their consular district to:

1. Keep a register and, insofar as consistent with the laws of the receiving State, conduct census operations of their nationals; they may request the assistance of the competent authorities of the receiving State for this purpose;

2. Publish notices in the press to their nationals or forward to them assorted orders and documents issued by the authori-

ties of the sending State, when such notices, orders, or documents relate to national service;

3. Issue and renew:

(a) passports or other travel papers of nationals of the sending State;

(b) visas and appropriate documents to persons wishing to travel to the sending State;

4. Transmit judicial and extra-judicial instruments to their own nationals or execute letters rogatory in civil and commercial cases concerning hearings of their nationals, in accordance with existing agreements on this question between the two States or, in the absence of such agreements, in any manner compatible with the laws and regulations of the receiving State;

5. (a) Translate and authenticate any document issued by the authorities or officers of the sending State or the receiving State, provided they are not contrary to the laws and regulations of the receiving State. These translations shall have the same legal effect and evidentiary value as if they had been prepared by sworn translators of one of the two States;

(b) Receive any declarations, draw up any acts, authenticate and certify signatures, countersign, certify, or translate documents, when such acts or formalities are required by the laws and regulations of the sending State;

6. Receive in notarial form, provided they are not contrary to the laws and regulations of the receiving State:

(a) acts and contracts that their nationals wish to enter into or conclude in this form with the exception of contracts or instruments related to the establishment or transfer of real rights to immovable property situated in the receiving State;

(b) acts and contracts, whatever may be the nationality of the parties, when they relate to property located or matters to be conducted in the territory of the sending State or when they are intended to have legal effects in this territory;

7. Receive for safe custody, insofar as they are not contrary to the laws in the receiving State, cash, documents, and articles of all kinds belonging to nationals of the sending State or intended for them. Such deposits may be exported from the receiving State only in accordance with the laws and regulations of that State;

8. Act in the capacity of civil registrar to the event that the laws and regulations of the receiving State do not prohibit it;

9. Insofar as compatible with the respective laws of each of the two States, arrange for the guardianship or trusteeship of persons lacking full capacity who are nationals of their States.

The provisions of paragraphs 8 and 9 of this Article shall not exempt nationals of the sending State from the obligation to make the declarations prescribed by the laws of the receiving State.

ARTICLE 33

1. The consular post of the sending State shall be informed without delay of any measure taken to deprive one of its nationals of his liberty and the motivating circumstances.

2. Any communication addressed to the consular post by the person who has been arrested, detained, or deprived of his liberty in any manner whatsoever shall be transmitted without delay by the authorities of the receiving State. They shall infom the party concerned of his rights as provided for in this paragraph.

3. Consular officers may visit a national of the sending State who is being held in custody or detained in any other manner and may converse and correspond with him and arrange for his legal representation. They may also visit a national of the sending State who is being held in custody or detained in their district in execution of a judgment.

4. The rights referred to in this Article shall be exercised in conformity with the laws and regulations of the receiving State, subject to the proviso, however, that the laws and regulations must be applied so as to give full effect to the purposes for which these rights are granted under this Article.

ARTICLE 34

1. In the case of the death of a national of the sending State in the territory of the receiving State, the competent authority of the receiving State shall notify the consular post.

2. (a) When the consular post has been informed of the death of one of its nationals and so requests, the competent authorities of the receiving State, insofar as the laws of that State permit, shall furnish it with whatever information they can obtain with a view to preparing the inventory of the estate and the list of persons entitled to inherit.

(b) The consular post of the sending State may request the competent authority of the receiving State to make without delay the necessary measures to safeguard and administer the estate left in the territory of the receiving State.

(c) The consular officer may lend his assistance, directly or through a person delegated by him in implementing the measures provided for in subparagraph (b).

3. If interim measures of protection must be taken and no heir is present or represented, a consular officer of the sending State shall be invited by the authorities of the receiving State to be present if appropriate at affixings and removals of seals and the preparation of the inventory.

4. If, after the formalities concerning the estate in the territory of the receiving State are completed, the movables of the estate or the proceeds of the sale of the movables or immovables fall to an heir, beneficiary, or legatee who is a national of the sending state who does not reside in the receiving State and has not appointed an agent, such property or the proceeds of its sale shall be turned over to the consular post of the sending State, provided that:

(a) evidence is furnished of the status of the heirs, beneficiary, or legatees;

(b) the competent bodies have, if necessary, authorized the delivery of the estate or the proceeds of its sale;

(c) all debts of the estate declared within the time limits legally prescribed by the receiving State have been paid or secured;

(d) the estate duties have been paid or guaranteed.

5. (a) Should a national of the sending State temporarily in the territory of the receiving State die within that territory, personal effects and money left by the deceased and not claimed by an heir in person shall be turned over provisionally without other formalities to the consular post of the sending State for safeguarding, subject to the right of the administrative or judicial authorities of the territory to take custody of such effects and money if the interests of justice so require.

(b) The consular post shall turn over such personal effects and money to the authorities of the receiving State legally designated to administer or liquidate them. It shall respect the laws of the receiving State with regard to exporting the effects and transferring the money.

ARTICLE 35

1. When a vessel of the sending State is in a port of the receiving State, the captain and members of the crew shall be permitted to communicate with the head of the consular post in the district within which the port is located, and he may freely perform the functions provided for in Article 36 without inteference by the authorities of the receiving State. In order to perform his functions, the consular officer may go on board the vessel as soon as it has received pratique.

2. The captain and any member of the crew may also, to the same end, proceed to the consular post within the district in which the vessel is located with, if necessary, safe-conduct from the authorities of the receiving State. If the authorities object on the grounds that the persons concerned would be physically incapable of rejoining their vessel before its departure, they shall immediately inform the competent consular post.

3. The head of consular post may request the assistance of the authorities of the receiving State in any matter relating to the performance of the functions referred to in this Article; such authorities shall furnish the requested assistance, unless they have valid reasons for refusing in a particlar case.

ARTICLE 36

Consular officers may:

1. Receive any declaration and draw up any document required by the laws of the sending State concerning:

(a) the registration of a vessel in the sending State when this vessel has not been constructed or registered in the receiving State and, if otherwise, pursuant to authorization issued by the receiving State;

(b) the removal from the register of a vessel of the sending State;

(c) the issuance of sailing permits to pleasure boats of the sending State;

(d) any transfer of ownership of a vessel of the State;

(e) the registration of any mortgage or other charge on property encumbering a vessel of that State;

2. Question the captain and crew members, examine the papers of the vessel, receive declarations concerning its itinerary and destination, and in general facilitate its arrival and departure;

3. Accompany the captain and crew members before the authorities of the receiving State and furnish them with assistance, including, if appropriate, legal representation;

4. Provided that the judicial authorities of the receiving State declare themselves incompetent under the provisions of Article 37 of this Convention, settle disputes of any nature between the captain, the officers, and the members of the crew, including disputes as to the wages and contracts of service. With the same reservation, they may exercise the authority attributed to them by the sending State concerning the engagement, embarkation, discharge, and disembarkation of the sailors and take measures to preserve order and discipline on board;

5. Take measures to ensure that the laws of the sending State concerning navigation are respected;

6. Arrange, if necessary, for the repatriation and hospitalization of the captain or crew members of the vessel;

7. Prepare inventories and conduct other operations necessary for the preservation of property and articles of all kinds left by nationals, seamen, and passengers who die on board a vessel of the sending State before it arrives in port.

ARTICLE 37

1. The authorities of the receiving State shall not concern themselves with any matter involving the internal command of the vessel unless at the request or with the consent of the head of the consular post or, if he is prevented, at the request or with the consent of the captain.

2. Except at the request or with the consent of the captain or head of the consular post, the authorities of the receiving State shall not intervene in any matter occurring on board, unless to preserve tranquility and public order or in the interest of health or public safety on shore or in the port, or to quell disorders involving persons other than the crew.

3. The authorities of the receiving State shall not prosecute any offenses committed on board except in the following cases when the offenses:

(a) undermined the tranquility or safety of the ports or violated the territorial laws regarding public health, the safeguarding of human lives at sea, customs, and other control measures; or

(b) were committed by or against persons other than the crew or by or against nationals of the receiving State; or

(c) are punishable by deprivation of liberty for at least five years under the laws of either of the Contracting Parties.

4. If, in order to exercise the rights referred to in paragraph 3 of this Article, the authorities of the receiving State intend to arrest

or question a person on board or to seize property or conduct an official inquiry on board, these authorities shall give the competent consular officer prior notice in sufficient time to enable him to be present during these visits, investigations, or arrests. The notice to this effect shall specify an exact time, and if the consular officer fails to appear or send a representative they shall proceed in his absence. A similar procedure shall be followed in the event that the captain or crew members are required to make declarations before local courts or authorities.

Nonetheless, in cases of crimes or flagrant offenses, the authorities of the receiving State shall inform the consular officer without delay of the emergency measures that had to be taken.

5. The provisions of this Article shall not apply to normal investigations concerning customs, health, the admission of aliens, and the control of certificates related to international rules of safety concerning maritime navigation.

ARTICLE 38

1. (a) When a vessel of the sending State is wrecked or stranded off the coast of the receiving State, the competent authorities of the receiving State shall notify the consular post in the district in which the shipwreck or stranding took place as soon as possible.

(b) They shall take all measures necessary to rescue the vessel, persons, cargo, and other property on board and to prevent or quell any looting or disorder on the vessel.

(c) If the ship is wrecked or stranded in a port or it constitutes a danger to navigation in the territorial waters of the receiving State, the competent authorities may also take all necessary measures to prevent any damage that might be caused by the vessel to the port facilities or other vessels.

(d) The head of the consular post shall be authorized, as the representative of the shipowner, to make the arrangements concerning the disposition of the vessel that the owner might have made if he were present, in accordance with the provisions of the territorial laws. There shall be no exceptions unless the captain has special authorization from the shipowner so empowering him or unless the concerned owners of the vessel and cargo, shipowners, insurers, or their agents are at the site with authorization to represent all interests without exception, to pay all expenses incurred to date, and to give security for those that remain to be settled.

(e) No customs duties, including any tax on the importation of goods into the territory, shall be levied by the authorities of the receiving State against articles transported by a wrecked or stranded vessel or forming part of it, unless they are delivered for consumption or use in the territory.

(f) No customs duties and taxes other than those referred to in the preceding paragraph shall be levied by the authorities of the receiving State against the shipwrecked or stranded vessel or its cargo apart from customs duties and taxes of a kind and in an amount similar to those that would be levied against vessels of the receiving State in similar circumstances.

2. When a vessel flying any flag other than that of the receiving State is shipwrecked and articles forming part of this vessel or its

cargo are found on or near the shore of the receiving State or brought to a port of that State, the head of the consular post in the district where these articles are found or brought shall be authorized, as a representative of the owner of these articles, to make arrangements for the preservation and disposition of these articles that the owner himself would have made under the existing laws on the subject in the receiving State, on the following conditions:

(a) the articles form part of a vessel of the sending State or belong to nationals of that State;

(b) the owner of the articles, his agent, the insurer, or the captain, when the laws of the flag State so authorize, are incapable of making these arrangements.

ARTICLE 39

The provisions of this Convention shall not apply to warships or military aircraft.

ARTICLE 40

1. In accordance with the laws and regulations of the receiving State, consular officers may exercise the control and inspection rights provided by the laws and regulations of the sending State over aircraft registered in that State and their crews. They may also lend them assistance.

2. When an aircraft registered in the sending State has an accident in the territory of the receiving State, the competent authorities of that State shall inform without delay the consular post nearest to the place where the accident occurred.

ARTICLE 41

1. In addition to the functions set forth in this Convention, consular officers shall be authorized to perform any other consular function recognized by the receiving State as in keeping with consular practice.

2. Acts performed during the performance of these consular functions may lead to the levying of fees and taxes provided for in this regard by the laws of the sending State.

PART V—FINAL PROVISIONS

ARTICLE 42

This Convention shall apply throughout the territory of each of the Contracting Parties.

ARTICLE 43

Any disputes concerning the interpretation or implementation of this Convention shall be settled through diplomatic channels.

ARTICLE 44

1. This Convention shall be subject to ratification in accordance with the constitutional provisions in force in each of the two countries.

2. It shall enter into force 30 days following an exchange of instruments of ratification. It shall remain in force indefinitely.

3. Either of the Contracting Parties may terminate it at any time, and it shall cease to remain in force six months following the date of receipt of notice of termination by the other State.

Done at Washington on this twelfth day of January 1989 in two original copies, in the Arabic and English languages, the two texts being equally authentic.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

FOR THE GOVERNMENT OF THE DEMOCRATIC AND POPULAR REPUBLIC OF ALGERIA: